

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43847 of 2016

S.Nayeemur Rahman

... Petitioner

Vs.

1.The Secretary to Government,
Environment and Forest Department,
Secretariat, Chennai -9.

2.The Principal Chief Conservator of Forest,
(Head of Forest Force),
Panagal Maligai,
Saidpet,
Chennai - 15.

3.The Deputy Conservator of Forests,
State Forestry Research Institute,
Kolappakkam,
Chennai - 600 127.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the respondent to grant interest for the belated payment of pension, Death-cum-retirement gratuity commuted value of pension, Encashment of Leave, GPF and SPF at compound interest per annum from the date of petitioner's voluntary retirement till the date of actual payment and disburse the same within a time frame.

For Petitioner : Mr.T.Dharani

For Respondents: Mr.N.Inbanathan,
Government Advocate (Forest)

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner while working as Junior Assistant, on account of ill health, was on medical leave between 01.10.2003 and 31.01.2006 and since he also appeared before the Medical Board, medical leave was sanctioned. The petitioner submitted an application on 06.02.2006, seeking permission to go on Voluntarily Retirement Scheme and in the Interregnum, he was visited with disciplinary proceedings in the form of charge

memo under 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, on account of his unauthorised absence and the Enquiry Officer held that the charges framed against the petitioner have been proved. The petitioner has filed W.P.Nos.12095 and 14778 of 2007 challenging the charge memo as well as the show cause notice and the writ petitions were allowed and the petitioner was permitted to go on VRS with all benefits. The petitioner, thereafter, was given posting order and subsequently, an order was passed on 14.02.2012, on the ground that order of posting order was erroneously issued. The petitioner made a challenge to the said order, by filing W.P.No.20314 of 2012 and vide order dated 24.07.2014, this Court has held that the petitioner deemed to have been voluntarily retired with effect from May 2006 and he was entitled to all the benefits up to the date of VRS application and therefore, pass orders accordingly.

3. The grievance expressed by the petitioner is that despite the said order, terminal benefits have not been given to him and in this regard, has also submitted a representation to the respondents and in spite of receipt and acknowledgment, it is yet to be favoured with any kind of response and therefore, came forward to file this writ petition.

4. Heard the submission of Mr.T.Dharani, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Government Advocate (Forest), who accepts notice on behalf of the respondents.

5. Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents to consider and dispose of the petitioner's representation dated 27.06.2016, after taking note of the order dated 24.07.2014 made in W.P.No.20314 of 2012 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To

1.The Secretary,
Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Chennai -9.

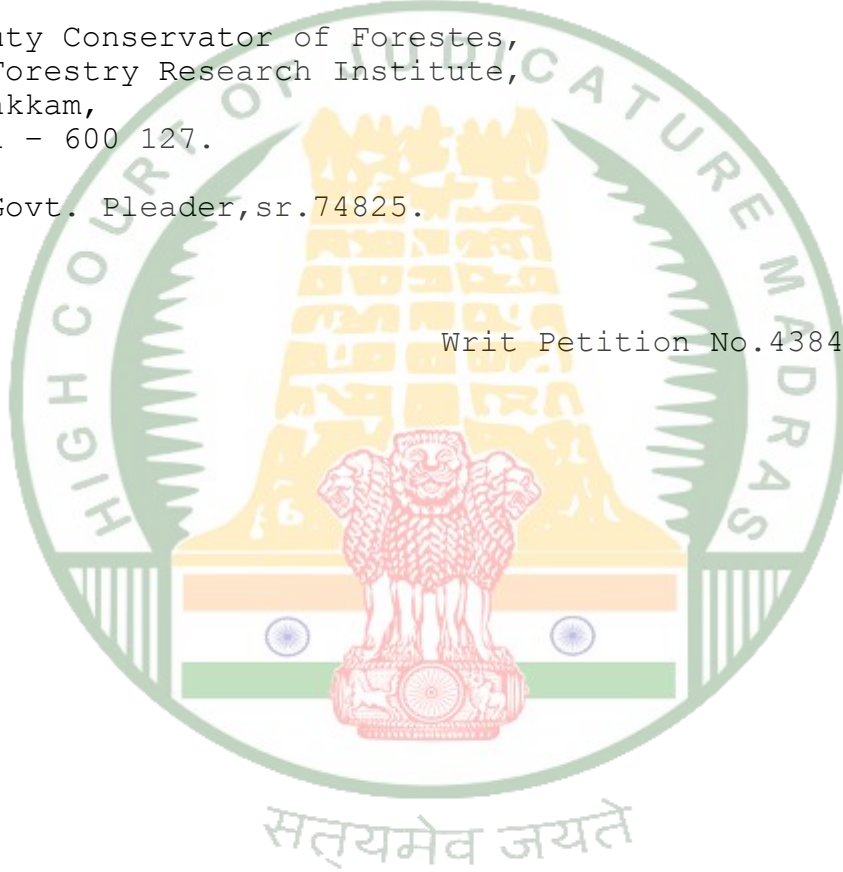
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+1 cc to Govt. Pleader,sr.74825.

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